

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

UNITED STATES OF AMERICA

v.

JASON MCLAUGHLIN

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CASE NUMBER 9:15-CR-00018-MHS

**REPORT AND RECOMMENDATION REGARDING MOTION TO SUPPRESS**

Pending is the Defendant's Motion to Suppress Tapes and Transcripts. (Doc. No. 49.) This motion was referred to the undersigned for findings of fact and recommendation. (Doc. 54.) A hearing on this matter was held on April 29, 2016. At the hearing, the undersigned found that the issues presented in the motion to suppress were in reality objections to the admissibility of the evidence at trial, as opposed to a constitutional challenge to exclude the evidence. The parties concurred, and the Defendant stipulated that he was abandoning any constitutional challenges to the evidence in the form of a motion to suppress at that time, but would instead address the issues in the pending motion at a later time before the trial judge in the form of a motion in *limine* or objections raised at the pre-trial conference or trial.

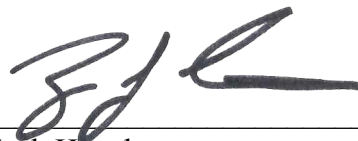
Therefore, the undersigned recommends that the Defendant's Motion to Suppress Tapes and Transcripts (Doc. No. 49) be **DENIED** as **MOOT**, subject to reassertion through a motion in *limine*, or objections raised at the pre-trial conference or at trial.

Pursuant to 28 U.S.C. § 636(b)(1)(c), each party to this action has the right to file objections to this report and recommendation. Objections to this report must: (1) be in writing, (2) specifically identify those findings or recommendations to which the party objects, and (3) be served and filed within fourteen (14) days after being served with a copy of this report. See 28

U.S.C. § 636(b)(1)(c) (2009); Fed. R. Civ. P. 72(b)(2). A party who objects to this report is entitled to a *de novo* determination by the United States District Judge of those proposed findings and recommendations to which a specific objection is timely made. See 28 U.S.C. § 636(b)(1) (2009); Fed R. Civ. P. 72(b)(3).

A party's failure to file specific, written objections to the proposed findings of fact and conclusions of law contained in this report, within fourteen (14) days of being served with a copy of this report, bars that party from: (1) entitlement to *de novo* review by the United States District Judge of the findings of fact and conclusions of law, see Rodriguez v. Bowen, 857 F.2d 275, 276–77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of any such findings of fact and conclusions of law accepted by the United States District Judge, see Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, at 1428–29 (5th Cir. 1996) (*en banc*).

SIGNED this 2nd day of May, 2016.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn  
United States Magistrate Judge